

MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JUNE 1, 2010

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Lars Jorgensen
Richard Deecken
Carmine DeFeo
Kevin Chamberlain, Alternate (voting)
Frank Marcus, Alternate (not voting)

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer
Robert J. Nicola, Town of Trumbull Attorney

The Chairman convened the meeting at 7:35 p.m.
Commissioner Fox led the Commission in the Pledge of Allegiance.
Commissioner Lauria read the public hearing notice.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, June 1, 2010, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 10-03 City of Bridgeport. Permit approval to construct Multi-Magnet High School, in a regulated area at Trumbull Road Rear (Map H11/16) (continuation of Public Hearing from May 4, 2010).

A copy of the application and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, Connecticut.

Dated at Trumbull, Connecticut this 6th day of May, 2010.
Richard H. Girouard, Sr., Chairman
Inland Wetlands and Watercourses Commission of the Town of Trumbull

The Commission agreed to take regular business before the public hearing.

The Chairman opened old business at 7:40 p.m.
Application 10-07 – David Tucker. Not in attendance. If applicant shows up he will be heard.
Motion made (Fox) seconded (Deecken) to close Application 10-07 (Tucker). Discussion. All in favor.
MOTION CARRIED UNANIMOUSLY.

The Chairman stated he will reopen regular business if Applicants arrives later in the evening.

Application 10-09 – Jennifer Borges Lindade. Permit approval to construct residential house, driveway, stormwater detention, sewer and water service associated site grading and improvements in a regulated area at Lot 3 Oriole Lane. David Bjorklund, professional engineer and president of Spath Bjorklund Associates was present for the applicant. He stated the proposal is to develop the half acre lot with a single family home. He

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summarized the history of the lot including subdivision and filling which occurred in the 1970's. The status of Oriole Lane being a paper street, wetlands on Oriole Lane and adjacent properties, footprint of the house, demarcation and limits of disturbance were discussed. There will be a 10 foot strip between the proposed fence and the edge of the wetlands and there will be no impact to the wetlands. Mr. Bjorklund stated percolation tests were done and the soils are impervious. There is mixed fill on the site and it does not have a percolation rate and he explained the planned drainage and detention. Site plan dated 4-16-10 was submitted into the record.

Motion made (Fox) seconded (Deecken) to RECEIVE Application 10-09 (Lindade). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Deecken) to close old business at 8:00 p.m. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

The Chairman opened new business at 8:00 p.m.

Application 10-11 – Daniel Giangrasso. Not in attendance. If applicant shows up he will be heard.

Application 10-12 – Bruce E. Adams. Permit approval to construct 2 story addition with 2 car garage; abandonment of existing septic system and construction of new septic system; rain leader retention, relocate driveway, and removal of buried oil tank in a regulated area at 126 Whitney Avenue. Joseph Gluse, 48 Hunters Ridge Road, Shelton, Connecticut, a registered architect was present for the applicant. He submitted into the record a letter from Eleanor J. Adams and proposed project drawings. He stated the parcel is an interior 5.2 acre lot and the house was built in 1936 close to the side boundary line and in an area that is now a setback area. He also said the applicant has an application with the zoning board of appeals for a side yard variance because they will be going from a side yard regulated setback of 50 feet to 14.5 feet with the least amount of property disturbance and as far back from the wetlands as possible. The applicant is also removing an underground oil tank, putting in a new septic system and stormwater retention system. The commission asked questions regarding the height of the building, septic system, backup system, flood zone, roof leaders and drainage, wetland flagging, and future development.

Motion made (Fox) seconded (DeFeo) to RECEIVE Application 10-12 (Adams). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Application 10-13 – Maria L. Gomes. Not in attendance. If applicant shows up she will be heard.

The Chairman stated regular business would be reopened if any of the applicants arrive.

Motion made (Fox) seconded (Deecken) to close new business at 8:10 p.m. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Public Hearing.

The Chairman opened the public hearing at 8:10 p.m.

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Application 10-03 – City of Bridgeport. Permit approval to construct Multi-Magnet High School, in a regulated area at Trumbull Road Rear (Map H11/16). Stephen Studer of Berchem, Moses & Devlin, 75 Broad Street, Milford was present for the applicant discussed and highlighted a letter received in April from the Conservation Commission of the Town of Trumbull endorsing the project. He stated he attached the letter to a letter he prepared for the Commission but did not bring the letter with him and would fax it in the morning and Attorney Nicola indicated the letter could be accepted tomorrow. He indicated he would sign the draft of his response letter and submit the draft into record. He addressed each comment listed in the Conservation Commission's letter. He stated they would offer and agree to a conservation easement as a condition of approval. Attorney Nicola addressed the issue of a conservation easement and stated that a condition could be made as a condition of approval that a conservation easement be granted to the Town and be recorded on the land records to contain the restrictions referenced and any additional ones.

The summarized the reasons for choosing the location on the site for the school and alternatives. He stated they responded in writing to the Town's consultants and Carver Glezen from Triton, George Logan, Graham Curtis and Tom Pietras consultants are in attendance to respond to William Kenny Associates' report and other Town consultants' reports. He commented on issues in William Kenney's report that they disagree with.

George Logan of Ecological Services addressed William Kenny Associates' report dated May 25, 2010 Item 1. 1) Wetland identification and delineation – vernal watercourse. He introduced Thomas Pietras, professional wetland soil scientist with Soil Science and Environmental Services, Inc, Cheshire, Connecticut. He initially identified the wetlands on the property in 2007, soil types and wetlands throughout the property. He went back to the site to look at one area and to give his views if the area qualifies as a vernal watercourse. He inspected the area on April 13th and stated it is a very small area next to a service road, slightly depressed with no surface water. He described the soils and the conditions at the time of his inspection. He stated it doesn't qualify as a watercourse because it didn't have standing or ponding water and no definable feature to it.

Item 1. 2) Wetland 2. George Logan summarized his conservation with Mike Sheehan from the Army Corps of Engineers and the proposed filling of wetland 2.

Item 2. 1) Indirect wetland impacts. Potential impacts to wetland 4 and its hydrology were discussed. Graham Curtis, professional engineer with DTC discussed impacts from an engineering point of view which included how to mimic existing conditions.

Mr. Logan explained watershed areas, rain gardens, groundwater components, capturing of ground shed watershed, retention, recharging and he believes the wetland will be wetter for a longer period of time. In response to questions from the commission he said they want to recharge the ground water slowly and prolonged saturation time will not affect the vegetation and any excess water will continue into the rain garden and then back into the system. He also stated this wetland is a marginal low functioning wetland. The conditions, plantings and maintenance in the recharge area and protecting the area were also discussed.

Mr. Curtis addressed concerns regarding water from the site that was getting to the east of 25 and described the culverts under and around Route 25. He also went over drainage areas 3, 1, 2 and 7 and described conditions and runoff for 10, 25, 100 year storms and he said there will be no significant change in hydrology to the wetlands east of Route 25.

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George Logan also commented on Megan's question if there would be changes to normal flows, hydrologic change or diverse impact to the wetlands on the other side. He stated both wetlands have a very wet regime and will function very much the same.

Mr. Curtis commented on the portion of the report regarding alternatives and briefly highlighted three that were previously presented to the commission.

Mr. Logan explained ecological integrity of the wetlands closer to Route 25 is much lower than the ones further away because of the transportation corridor. They tried to utilize as much of the disturbed area as possible and used the best feasible and prudent alternative that preserves the ecological integrity of the upland and wetland areas. Mr. Logan also described planned mitigation and wetland creation areas. He would like to eliminate creation area B because he believes it is not necessary and it would require cutting down trees.

Attorney Studer stated there are no exterior athletic facilities proposed and a conservation easement will confirm that it will not happen. Questions were raised regarding ticks and other insects in the area because children will be using the site and Attorney Studer stated State law precludes the use of pesticides on school property. Mr. Logan went over procedures that can be used.

The Chairman called a recess at 9:25 p.m.

The Chairman reconvened the meeting at 9:35 p.m.

With the permission of Attorney Studer the Chairman temporarily closed the public hearing at 9:35 p.m. The Chairman reopened regular business at 9:35 p.m.

Application 10-13 – Maria L. Gomes. Permit approval to add top soil and reseed existing lawn; install 4' chain link fence at rear and side of property, 20'x9' water feature, 14'x8' shed and pour 14'x8' concrete slab in a regulated area at 48 West Mischa Road. Albert Rodrigues, owner of ARod Construction, 301 Northwood Drive, Easton, Connecticut was present for the applicant. He said the wetlands are on the property behind the applicant's property. He described what the homeowner would like to do on her property. Mr. Rodrigues said he would mark the site for a site walk.

Motion made (Fox) seconded (Lauria) to RECEIVE Application 10-13 (Gomes). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

The Chairman reclosed regular meeting at 9:45

The Chairman reopened the public hearing at 9:45

Megan Raymond, soil scientist, wetland scientist and senior ecologist with William Kenny Associates and retained by the Town was present. William Kenny Associates' report focused on accurate identification and delineation of wetlands and watercourses on the property, an evaluation of potential impact resulting from the proposed site plan to those wetlands and watercourses, mitigation measures proposed by the applicant and how they were consistent with Connecticut General Statutes and Town of Trumbull Regulations and as well the evaluation of alternatives and how it relates to Connecticut General Statutes and Trumbull's Regulations.

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Mrs. Raymond gave a synopsis of William Kenny Associates' report dated May 25, 2010. 1. Wetland identification and delineation – she referred to an area south of the proposed loop road that has ponding water in the springtime as a vernal watercourse. She commented on Mr. Pietras' statements and stated the original area that was identified in his report was not the area they were speaking of in the field but an area to the east.

Mrs. Raymond described the location as being well defined by the 158 contour and the northern boundary is the lip of the fill of the access road. She was at the site at the end of March and there hadn't been rain in five or six days and there was more than 12 inches of standing water there. She detailed high rainfall events with overland flow across the road into the system that feeds wetlands 4 and 2 and then underneath 25 to the wetland systems east of the highway.

2. Mrs. Raymond stated she would like to see a jurisdiction letter from the corps.

She commented on the quantitative establishment of indirect impacts to wetland 2 in between the two magnet wings that was presented tonight. She also discussed the hydrological impacts to wetlands 2 and 4, the proposed trench system, and what will remain of existing conditions. She commented on wetland 4 being a small wetland area.

Mrs. Raymond highlighted the report from Criscuolo Engineering dated June 1, 2010 regarding the review of the applicant's engineering particularly item 1E regarding indirect hydrologic impacts. She also addressed watersheds, alternative analysis, mitigation, stormwater management, wetland creation areas, forested removal, potential impact from proposed lighting, and construction phasing plan. She questioned the construction phasing plan in the December 29th REMA report because it is not a site specific phasing plan.

The question of the difference in opinion regarding the soils in the area of the vernal watercourse was directed to Mrs. Raymond and she said soil has no bearing on the definition of a vernal watercourse. Mrs. Raymond responded to questions from the commission regarding mitigation and proposed areas of mitigation; affects on wetland system 4 resulting from changes in shading and the loss of forested buffer; hydrological impact of wetland 4, which is a small wetland,, differences between vernal watercourse and vernal pools, and changes in hydrological patterns; limit of disturbance, soil borings and erosion potential.

Mrs. Raymond summed up with restating the basics that were used to structure the review wetland identification and delineation, impact assessment, mitigation and alternatives. She indicated they still have some questions in each of those subheadings.

Attorney Studer requested a recess.

The Chairman called a recess at 10:25 p.m.

The Chairman reconvened the meeting at 10:40 p.m.

Attorney Studer stated they continue to disagree on the vernal watercourse and the definition regarding the definable boundary and they are still working on the plans for the trench. He indicated they are offering a conservation easement over the bulk of the site, mitigation, removal of tires and debris over the entire site. They are taking an old tired park and turning it into a place of enjoyment and are willing to work with the Commission and Town regarding site phasing.

George Logan also said they disagree with the vernal watercourse and he commented on Megan Raymond's questions and statements. He also went over functions, hydrology and changes related to wetland 4.

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Graham Curtis discussed and responded to Criscuolo Engineering's report. He stated they reviewed the report and are in general agreement and they will consider the items suggested to be reviewed and he highlighted each item in the report. He answered questions regarding site phasing.

Megan Raymond said if requested she would delineate the physical boundary in the field. She listed issues in the Criscuolo report that are not phase related but refer to erosion sedimentation control that the commission should take a closer look at.

Attorney Studer discussed and answered questions regarding the conservation easement and markings for the easement.

Steve Savarese briefly commented on statements made by the applicant and the consultants.

Attorney Studer's closing remarks included a summary of the hearings and proceedings and comments from Claire Gold and heirs of the Fairchild Wheeler family.

Graham Curtis submitted proposed conservation easement plan into the record and he pointed it out on one of the applicant's exhibits.

The Chairman asked if anyone from the public wished to speak.

Pablo Jimenez, 7 Leighton Road has been a resident of Trumbull for 35 years. He stated every project has environmental impacts and the applicant made a great effort to meet all concerns. He believes the impact happened when Route 25 was built and some of the wetlands were created then and are not natural wetlands. He is in favor of the project and thinks it will be good for the Town of Trumbull and the surrounding areas.

John Butkus, 139 Pinewood Trail, Trumbull resident and previous Director of Operations for Bridgeport School. He agrees with comments previously made by Major Finch. He stated when this project began the educational focus was to provide science and technology framework for a high school that would have a connection with a natural environment and include the natural setting into the curriculum and he believes that has been achieved. He believes this project follows the law because it is a responsible use of this land and he is in favor of the project.

No one else from the public came forward.

Attorney Studer summarized the application, the project, wetland laws, responsibilities of parties involved and benefits from this proposed project. He also stated they incorporated low impact development practices into this project and it will not have a significant adverse impact to the wetlands and watercourses. Open space will be preserved, they will provide an upland conservation easement and result of the project will be an overall enhancement of the site. He also stated they will accept any conditions as part of an approval.

Motion made (Deecken) seconded (Lauria) to close the public hearing at 11:35 p.m. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

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Work Session:

The Chairman opened the work session at 11:40 p.m.

After discussion and review, the Commission took action as follows:

Application 10-07 – David Tucker. Permit approval to re-route driveway approximately 50 feet north of existing driveway and construct retaining wall in a regulated area at 131 Canoe Brook Road. Applicant did not show up.

Motion made (Chamberlain) seconded (Fox), to DENY Application 10-07 (Tucker) without prejudice for the following reasons and to waive the application fee if the applicant reapplies within the next three months:

1. The plan that was submitted is insufficient and does not address the grading, filling and other improvements necessary to carry out the work.

Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Lauria) seconded (Jorgensen) to hold a public hearing on Application 10-09 (Lindade).

Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Lauria) seconded (Jorgensen) that Application 10-09 (Lindade) be deemed a significant impact activity. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Deecken) seconded (Fox) to RECEIVE Application 10-11 (Giangrasso). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Deecken) seconded (Fox) to DENY Application 10-11 (Giangrasso) without prejudice for the following reasons: Insufficient information and incomplete application. Discussion. MOTION CARRIED 5 in favor (Girouard, Deecken, Fox, DeFeo, Lauria) 1 against (Chamberlain) 1 abstention (Jorgensen).

Motion made (Lauria) seconded (Deecken) that Application 10-12 (Adams) be deemed a significant impact activity. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Lauria) seconded (Deecken) to accept meeting minutes of May 4, 2010 and field inspection minutes of May 18, 2010. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Correspondence: Commissioner Lauria will participate in the Pequonnock River Initiative on behalf of the Commission.

Motion made (Deecken) seconded (Fox) to open discussion on Application 09-34 and to offer the applicant the following path out of the cease and correct order:

1. Have a certified soil scientist determine the inland wetland limit line.
2. Provide an A-2 boundary survey and improvement location survey of the subject parcel depicting the inland wetland limit line, all storm drainage structures, existing topography, all recorded easements and all tree stumps left from the recent clearing.

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3. Provide a site plan prepared by a landscape architect who proposes on site mitigation for the loss of each tree as identified and quantified by the land survey map.
4. Provide a bond estimate for the proposed wetland and site mitigation as detailed in the site plan.
5. Upon review and approval of the above information by the Town Engineer, the applicant can fill out an application to appear before the Commission at a regularly scheduled meeting for approval of the proposed mitigation work.

Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Field Inspections:

Field inspections were scheduled for Monday June 21, 2010 at 3:30 p.m. on the following applications:

10-09 - Lindade

10-12 – Adams

10-13 - Gomes

Motion made (Deecken) seconded (DeFeo) to schedule a work session on Tuesday, July 6, 2010 at 6:30 p.m. prior to the start of the regularly scheduled meeting. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

There being no objections the Chairman moved to adjourn the meeting at 12:35 p.m. No discussion.

Submitted by,
Joyce Augustinsky
Clerk of the Commission